

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Brindalyn Foster,
Plaintiff

v.

Civil No. _____
[Removal from Shelby County General
Sessions Ct. No. 1633917]

Christ Community Health Services, Inc.,
Defendant

NOTICE OF REMOVAL FROM STATE COURT

The United States of America, on behalf of defendant Christ Community Health Services, Inc. (CCHS) petitions the Court as follows:

1. The Plaintiff seeks damages against CCHS for injuries allegedly sustained as a result of medical malpractice.
2. At all relevant times, CCHS, its agents and employees were deemed to be employees of the United States Public Health Service, pursuant to 42 U.S.C. § 233(g). Attached collectively as Exhibit 1 are the relevant notices from the United States Department of Health and Human Services, Public Health Service, wherein CCHS, its agents and employees are deemed to be employees of that federal agency. CCHS, its agents and employees, were acting within the scope of federal employment at all relevant times. See attached as Exhibit 2, the certification made pursuant to 28 C.F.R. § 15.3.
3. Pursuant to 42 U.S.C. § 233(c), this case is governed by the Federal Tort Claims Act and is removable to this Court pursuant to 42 U.S.C. § 233(c); 28 U.S.C. §§ 1441, et seq. and 2679(d).

4. Pursuant to 42 U.S.C. § 233(g)(1)(A), this Court has original and exclusive jurisdiction in this matter. Additionally, this action shall be deemed to be an action brought against the United States. 28 U.S.C. § 2679. Contemporaneously with this Notice, the United States is filing a motion to substitute itself for CCHS.

5. The United States has attached copies of the state court pleadings as Exhibit 3.

WHEREFORE, the United States respectfully requests that this action now pending in the Shelby County General Sessions Court, No. 1633917, be removed to the United States District Court for the Western District of Tennessee.

Respectfully submitted,
Edward L. Stanton, III
United States Attorney

s/ William W. Siler (BPR #7194)
Assistant United States Attorney
167 North Main Street, Suite 800
Memphis, Tennessee 38103
Telephone (901) 544-4231
bill.siler@usdoj.gov

CERTIFICATE OF SERVICE

I, William W. Siler, Assistant U.S. Attorney, certify that the foregoing has been electronically filed on this date. I further certify a true and correct copy of the foregoing has been served by regular mail to Brindalyn Foster, 1817 W. Marks Road, Marks, MS 38646.

s/ William W. Siler
Assistant United States Attorney

Date: Oct. 4, 2013